

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of Martin Alistair HAYES et al.

Serial No.: To be assigned

Art Unit:

Filing Date: Concurrently herewith

Examiner:

For: *Process for the Preparation of
Morpholine Derivatives and
Intermediates Therefore*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☒ Copies of the references listed on the attached form PTO-1449 as item nos. 3 and 6 are enclosed
☐ Copies of the references were submitted in parent application Serial No. _____. (37 CFR 1.98(d))
☒ A copy of the International Search Report which issued on International Application No. PCT/EP03/03343 is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 as item nos 1-2, 4-5, and 7-9, and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

- A. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

- ☐ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).

- B. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but **before** the mailing date of either:
(1) a final action under § 1.113 or
(2) a notice of allowance under § 1.311,
whichever occurs first.

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).

- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which Issued on International Publication No.

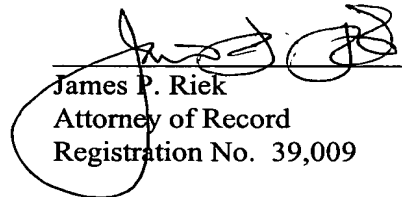
In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. [or]
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

[X] Please charge any required fees to Deposit Account No.07-1392.

☐ A duplicate copy of this paper is attached.

Respectfully Submitted,



James P. Riek
Attorney of Record
Registration No. 39,009

Date: September 28, 2004
GlaxoSmithKline
Corporate Intellectual Property
5 Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709-3398
Telephone: (919) 483-8022
Facsimile: (919) 483-7988

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO. PG4792USw		SERIAL NO. 09519	
				APPLICANT Martin Alistair HAYES et al.			
				FILING DATE Concurrently herewith		GROUP	
U.S. PATENT DOCUMENTS							
Examiner Initials		Patent Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate
Continue on page _____							
FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No
	1.	EP 0995746	04/26/2000	EPO			
	2.	DE 2447732	04/08/1976	DE			
	3.	WO 02/26722	04/04/2002	WIPO			
	4.	WO 02/26723	04/04/2002	WIPO			
Continue on page _____							
OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)							
	5.	Kato et al., "Novel benzamides as selective and potent gastric prokinetic agents 1.. Synthesis and structure-activity relationships of N-(2-morpholinyl)alkylbenzamides," <i>Journal of Medicinal Chemistry</i> 33(5):1406-2524 (May 1990).					
	6.	Kato et al., "Novel benzamides as selective and potent gastric prokinetic agents 2.. Synthesis and structure-activity relationships of 4-Amino-5-Chloro-2-Ethoxy-N-4-(4-Fluorobenzyl)-2-Morpholinyl Methylbenzamide Citrate (AS-4370) and related compounds," <i>Journal of Medicinal Chemistry</i> 34(2):1616-624 (Feb. 1991).					
	7.	Morie et al., "Asymmetric synthesis of the enantiomers of 2-aminomethyl-4-(4-fluorobenzyl)morpholine, an intermediate of mosapride, a gastropkinetic agent," <i>Heterocycles</i> 38(5):1033-1040 (1994).					
	8.	Morie et al., "Synthesis and biological activities of the optical isomers of (plus minus)-4-amino-5-chloro-2-ethoxy-N-4-(4-fluorobenzyl)-2-morpholinyl methylbenzamide (mosapride)," <i>Chemical and Pharmaceutical Bulletin</i> 42(4):877-882 (1994).					
	9.	Sakurai et al., "Synthesis and structure-activity relationships of 7-(2-aminoalkyl)morpholinoquinolones as anti-helicobacter pylori agents," <i>Bioorganic and Medicinal Chemistry Letters</i> 8(16):2185-2190 (Aug. 1998).					
Continue on page _____							
EXAMINER					DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							